

**Federal Defenders
OF NEW YORK, INC.**

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director
and Attorney-in-Chief

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

November 21, 2022

By ECF

Honorable Paul A. Crotty
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: U.S. v. Robert Russo
21-CR-271 (PAC)

16-cr-441

Dear Judge Crotty:

I am writing to respectfully request that the Court modify the terms of Robert Russo's restitution order in the above-captioned case. On December 13, 2021, Mr. Russo pled guilty to conspiracy to commit Hobbs Act robbery. He was sentenced to 40 months' imprisonment, to run concurrently with his 12-month sentence for violating the terms of his supervised release on 16-CR-441, and 3 years' supervised release. He was also ordered to pay \$160 restitution and a \$100 assessment. Mr. Russo's attorney, Robert Baum, indicated at sentencing that Mr. Russo would not be able to pay while incarcerated but would commence payments as soon as he was released. Sent. Tr. 21. The restitution order, however, directed Mr. Russo to commence payments immediately.

I respectfully request that the restitution order be modified to permit Mr. Russo to commence payment 30 days after his release from BOP custody on both this case and docket 16-CR-441.¹ U.S. v. Kyles, 601 F.3d 78 (2d Cir. 2010). Under the current order, payments will be withdrawn from Mr. Russo's inmate funds. Mr. Russo, however, suffers from myriad health conditions that hamper his ability to work while incarcerated, including diabetes, asthma, hypertension, and COPD. Withdrawing payments from his already meager inmate funds will impede Mr. Russo's ability to pay for phone calls to his family and purchase personal items from the prison commissary, and will result in extraordinary hardship.

Assistant U.S. Attorney Jane Chong, who handled the prosecution of this matter, has consented to this request.

¹ Mr. Russo also has a restitution order in docket 16-CR-441. A motion to modify that restitution order is being simultaneously filed in that docket.